

REMARKS/ARGUMENT

In response to the Advisory Action dated July 28, 2003, and in conjunction with the filing of a Request for Continued Examination, claims 1 and 6 are amended. Claims 1-4, 6, and 8-11 remain in the application. It is not the Applicants' intent to surrender any equivalents because of the amendments or arguments made herein. Reconsideration of the application and entrance of these amendments, are respectfully requested.

Comments in the Advisory Action

In paragraph 5 of the Advisory Action, the claims were not considered to be in condition for allowance because the Pavilion reference discusses bentriazole, and the arguments previously presented argue process steps that were not given patentable weight.

The Pavilion Reference

The ancillary Pavilion reference discloses a lubricant with improved anti-corrosion properties. Pavilion provides a combination of additives which reduces the corrosive nature of lubricating oils which contain such multifunctional VI modifiers so that properly formulated lubricating compositions can pass industry tests such as the L-38 test. The first component of the additive combination of Pavilion is (a) an aromatic triazole. A wide variety of aromatic triazoles are known. It is preferred that the triazole be a substituted benzotriazole. See Col. 4, lines 37-51.

Component (b) of the Pavilion combination is a boronated dispersant, which is the reaction product of a hydrocarbyl-substituted acylating agent, a polyamine, and a boron compound. See Col. 8, lines 27-30.

The composition may also include a supplemental sulfur-, phosphorous-, or sulfur- and phosphorous-containing antiwear agent. See Col. 12, lines 8-10.

0.001 percent weight of the condensate of benzotriazole is used in the combination. See Col. 13, lines 18-20.

The Claims are Patentable over the Cited Reference

The claims of the present invention describe a dynamic pressure bearing device. An apparatus in accordance with the present invention comprises a cylindrical member for rotatably supporting a shaft member, wherein the cylindrical member is composed of a copper metal, and a lubricating fluid including benzotriazole and cupric benzotriazole, the lubricating fluid filling a bearing gap space formed between the cylindrical member and the shaft member, wherein the cupric benzotriazole is formed on a surface of the cylindrical member by reacting the copper metal of the cylindrical member with the benzotriazole in the lubricating fluid.

The cited references do not teach nor suggest the limitations of the claims of the present invention. Specifically, the cited references do not teach nor suggest at least the limitation of a lubricating fluid including cupric benzotriazole and the limitation of the cupric benzotriazole formed on a surface of the cylindrical member by reacting the copper metal of the cylindrical member with the benzotriazole in the lubricating fluid as recited in the claims of the present invention.

The Applicants apologize for not clarifying that the Pavilion reference is not seen to disclose cupric benzotriazole. Pavilion does not disclose forming the viscosity index (VI) modifier cupric benzotriazole by reacting the copper metal in the cylindrical member with the benzotriazole in the lubricating fluid as recited in the claims of the present invention.

The Pavilion reference is directed towards anti-corrosion and anti-wear agents that are combined into a mixture with a base of lubricating oil. As such, the Pavilion lubricant composition is designed not to react with any parts of the bearing device, much less create a film composed of the copper metal of the cylindrical member of the bearing device and the benzotriazole as recited in the claims of the present invention. The Applicants see that Pavilion teaches away from the present invention because the lubricating fluid of Pavilion is designed to be inert with

respect to the bearing assembly, as opposed to react with the bearing assembly as in the present invention.

The other references, namely Fukutani, Brusic, and Hobbins, similarly, do not disclose cupric benzotriazole or any reaction between the bearing assembly and the lubricating fluid, and therefore cannot overcome the deficiencies of the Pavilion reference. For example, Hobbins does not even disclose benzotriazole, much less cupric benzotriazole. Instead, Hobbins discloses 5-methyl benzimidazole (MBA). See Col. 1, lines 48-50.

The Applicants respectfully submit that cupric benzotriazole, and, in particular, cupric benzotriazole formed by reacting the copper metal in the cylindrical member with benzotriazole in the lubricating fluid, is not taught in any of the references cited in any of the Office Actions or the Advisory Action for this application.

Since none of the references, alone or in combination, teach the limitations of the claims of the present invention, namely, none of the references teach nor suggest the limitation of a lubricating fluid containing cupric benzotriazole, and, further, do not disclose the limitation of the cupric benzotriazole formed on a surface of the cylindrical member by reacting the copper metal of the cylindrical member with the benzotriazole in the lubricating fluid as recited in the claims of the present invention, the Applicants respectfully submit that independent claims 1 and 6 are patentable over the cited references, and respectfully request that the rejections be withdrawn.

The formation of cupric benzotriazole by reacting copper in the cylindrical member with the benzotriazole in the lubricating fluid is desirable because, for example and not by way of limitation, even if the anti-rust film comprising cupric benzotriazole is accidentally eliminated or removed from the dynamic bearing device due to, for example, impact or heat, while the dynamic bearing pressure bearing device is being used, a new anti-rust film comprising cupric benzotriazole is formed on the cylindrical surface by reacting with the benzotriazole in the

lubricating fluid. None of the cited references teach nor suggest this benefit as defined by the claims of the present invention.

Dependent claims 2-4 and 8-11 are also patentable over the cited reference, not only because they contain all of the limitations of independent claims 1 and 6 respectively, but because claims 2-4 and 8-11 also describe additional novel elements and features that are not described in the prior art.

Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.


If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 337-6742 to discuss the steps necessary for placing the application in condition for allowance.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
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By: _____


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